

AO-91 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA
V.United States District Court
Southern District of Texas
FILED

CRIMINAL COMPLAINT

AUG 12 2016

Case Number: M-16-1509-M

Martha GUEVARA-Castellanos
YOB: 1979 POB: Mexico
Citizenship: Mexico

Clerk of Court

I, the undersigned complainant state that the following is true and correct to the best of my

Knowledge and belief. On or about August 11, 2016 in Hidalgo County, in
(Date)
the Southern District of Texas Defendant(s) did,

Knowingly and intentionally possess with intent to distribute approximately 37.46 kilograms of Cocaine, a Schedule II controlled substance, and did knowingly and intentionally conspire to possess with intent to distribute approximately 37.46 kilograms of Cocaine, a Schedule II controlled substance, and did knowingly attempt to import approximately 37.46 kilograms of cocaine, a schedule II controlled substance, into the U.S.

in violation of Title 21 United States Code, Section(s) 841(a)(1), 846, and 952.I further state that I am a(n) Special Agent And that this complaint is based on the
Official Title

following facts:

See Attachment "A"

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

OK to file. TX

Signature of Complainant

Erik Diaz, HSI Special Agent
Printed Name of Complainant

Sworn to before me and signed in my presence,

August 12, 2016
DateAt McAllen, Texas
City and StateU.S. Magistrate Judge, Diana Song Quiroga
Name and Title of Judicial OfficerDiana Song Quiroga
Signature of Judicial Officer

Attachment "A"

On August 11, 2016, United States (U.S.) Customs and Border Protection Officers (CBPOs) at the Anzalduas, Texas Port of Entry (POE) encountered Martha GUEVARA-Castellanos and her two year old daughter as they waited in line in order to present themselves for inspection. GUEVARA was driving a gold Chevrolet Malibu with Mexico license plates. While working pre-primary inspection, a CBPO's K-9 alerted to the Chevrolet Malibu GUEVARA was driving for the possible odor of narcotics. The CBPO stated he noticed GUEVARA was nervous (hands shaking and attempting to avoid eye contact. CBPOs stated once the door to the vehicle was opened, GUEVARA attempted to exit the vehicle in a rush, but CBPOs instructed her to remain in the vehicle. Once backup arrived, GUEVARA and her daughter were escorted to secondary for further inspection while a CBPO drove the vehicle to a Z-portal for x-ray.

During the x-ray of the vehicle, CBPOs observed anomalies within the floor board. Further inspection by CBP Officers resulted in the discovery of 32 packages concealed in manmade compartments underneath the floor board. The contents of the packages contained a substance which field tested positive for cocaine. The total weight of the packages was approximately 37.46 kilograms.

HSI Special Agents (SAs) responded to the port to interview GUEVARA. GUEVARA was read her Miranda Rights from a pre-printed form in the Spanish language. GUEVARA waived her rights both orally and in writing by signing the pre-printed form.

GUEVARA stated she was introduced to a man who she knew only as "Guerro" approximately four months ago. GUEVARA stated "Guerro" asked her if she would smuggle currency from the U.S. into Mexico. GUEVARA stated all she would have to do was drive her car to a store in McAllen, Texas and once she arrived, she would call "Guerro" and someone would meet her and take the car in order to load it with the bulk currency. GUEVARA stated that in order to do this, she lent her vehicle to "Guerro" in order for him to build a compartment to conceal the bulk currency. GUEVARA stated her purpose for coming to the U.S. on August 11, 2016, was to meet someone in a store in order to smuggle currency to Mexico. GUEVARA stated that upon arriving back in Mexico, she was going to be paid \$100 U.S. dollars. A crossing history query on GUEVARA's vehicle revealed a pattern of GUEVARA's vehicle entering the U.S. through the Anzalduas POE and exiting through the Pharr, Texas POE. On July 20, 2016, GUEVARA's vehicle which she was driving was x-rayed at the Anzalduas POE. At the time, nothing was discovered and she was released without incident. CBPOs compared the x-ray image taken on August 11, 2016, and July 20, 2016. After comparing both images, CBPOs determined the vehicle was possibly loaded with narcotics on July 20, 2016. GUEVARA admitted to HSI special agents that this was not her first time attempting to smuggle currency to Mexico.

Special Agents received consent to search GUEVARA's two cell phones. On one of the cell phones, special agents discovered text messages between GUEVARA and a number identified as "Guerro". In the messages, "Guerro" was advising GUEVARA that "they would be working in the afternoon". GUEVARA also stated that it seemed odd that "Guerro" was constantly asking her to check in and asking her how long she needed before she crossed the port of entry. Agents explained and GUEVARA agreed that she was aware that in situations like this, narcotics are smuggled into the U.S. and currency ^{is} smuggled into Mexico. Based on everything, GUEVARA stated she believes the bulk currency she was smuggling into Mexico were drug proceeds.

A further search of the car revealed that there was only a single key on the key chain for the vehicle which is something officers have previously discovered in common with load vehicles.